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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,227	06/21/2002	Kenneth R. Wilkes	6022P001	4480

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EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 01/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,227

Applicant(s)

WILKES, KENNETH R.

Examiner

Clark F. Dexter

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 14-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 20-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group II (claims 8-13) in the response filed October 30, 2003 (paper no. 4) is acknowledged. The traversal is on the ground(s) that the process requires the use of a controller having all the particulars of invention II. This is not found persuasive because, as stated in the restriction requirement, the process can be performed by another materially different apparatus or by hand. Further, contrary to applicant's arguments, there is no requirement in the process claims for a controller. Groups I and II have been rejoined and any arguments directed to the restriction therebetween are now considered moot.
2. Claims 14-19 (Group III) have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention.

The requirement is still deemed proper and is therefore made FINAL.

Information Disclosure Statement

3. The information disclosure statement filed electronically on August 19, 2003 (paper no. 2) has been received and the reference listed thereon has been considered.

Drawings

4. The drawings are objected to because of the following informalities:

In Figure 4, the lower occurrence of numeral 41 is inaccurate and should be changed to --42--.

In Figure 7, a line is missing from box 76, and it seems that a horizontal line with an arrowhead should be provided to connect box 76 to the vertical line at the right side of the figure.

In Figure 8, similar to Figure 7, a line is missing from box 86, and it seems that a horizontal line with an arrowhead should be provided to connect box 86 to the vertical line at the right side of the figure.

A proposed drawing correction is required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities:

On pages 3-4, paragraphs 0008-0015 are redundant with respect to paragraphs 0016-0023, and it seems that paragraphs 0008-0015 should be deleted.

In paragraph 0028, numeral 30 is used to represent two different features which is improper, specifically numeral 30 is used to represent both the drive system and the pneumatic or hydraulic actuator, and it is suggested in lines 6-7 to change "transverse cutting knife is driven by" to --drive system 30 is-- or the like.

In paragraph 0029, line 3, "32, 33" appears to be inaccurate, and it seems that it should be changed to --32, 34 and 33, 35-- or the like; similarly, in line 8, "sensor 32" appears to be inaccurate, and it seems that it should read --sensor 32, 34-- or the like; similarly, in line 9, "sensor 33" appears to be inaccurate, and it seems that it should read --sensor 33, 35-- or the like.

In paragraph 0030, lines 3 and 7, "28" appears to be inaccurate, and it seems that each should be changed to --36-- or the like; in lines 11-12, the use of "continuously" twice is confusing and redundant, and it is suggested to delete the occurrence in line 11 or the like.

In paragraph 0033, lines 2 and 4, "sensor 37" is inaccurate, and it seems that each occurrence thereof should read --sensor 37, 43-- or the like, and in line 4, --37-- should be inserted after "photo-detector-- or the like.

Appropriate correction is required.

Claim Objections

6. The claims are objected to because the lines are crowded too closely together, making reading and entry of amendments difficult. Claims with lines one and one-half or double spaced on good quality paper are required in the next response. See 37 CFR 1.52(b).

Claim Rejections - 35 USC § 112, 1st paragraph

7. Claims 1-13 and 20-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The operation of the device is not clear from the original disclosure. Specifically, the function of the controller, and more particularly the adjusting circuit thereof, is not clear since it is not clear as to how such an adjustment can be made. As disclosed, a synchronization signal is provided at a known point in a cutting cycle. Further, the actuation of the cutting knife also occurs at a known point in a cutting cycle, specifically, the beginning thereof. First, it is not clear how a synchronization signal could be generated without performing a cutting cycle. Further, it is not clear how there could be any change in timing between the synchronization signal and the actuation of the cutting knife, particularly because these are two known, fixed points of time in a cutting cycle. In general, it is not clear as to how the invention operates.

8. Claims 21 and 23-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 21, the specification and drawings do not appear to provide support for the cutter as recited in claim 20 further comprising a means for providing a delay time between the receiving of the synchronization signal and the providing of the actuating signal. Rather, support is provided for the "means for adjusting" performing a delay time.

Regarding claim 23, the specification and drawings do not appear to provide support for the cutter as recited in claim 22 further comprising means for comparing the synchronization signal and a target value. Rather, support is provided for the "means for adjusting" performing the comparing function.

Regarding claim 25, the specification and drawings do not appear to provide support for the cutter as recited in claim 23 further comprising means for comparing the synchronization signal and a goal value. Rather, support is provided for the "means for adjusting" performing the comparing function.

Claim Rejections - 35 USC § 112, 2nd paragraph

9. Claims 6, 7, 21 and 23-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6, structural cooperation is not positively provided for the clamp, and it is suggested in line 2 to delete "to hold the web" and to insert this recitation after "knife" or the like.

In claim 7, lines 2-3, the recitation "when the clamp holds the web" is vague and appears to be inaccurate, and it seems that "holds" should be changed to --is moved towards the web to hold-- or the like.

In claim 21, lines 1-2, the recitation "means for providing a delay time ..." is vague and indefinite as to what disclosed structure it refers; in lines 3-4, the recitation "wherein the means for adjusting the subsequent actuating signals is further for adjusting the delay time" is vague and indefinite as to what is being set forth, particularly in view of the recitation set forth in lines 1-2.

In claim 22, lines 1-2, the recitation "means for comparing the synchronization signal and a target value" is vague and indefinite as to what disclosed structure it refers.

In claim 24, lines 1-2, the recitation "means for comparing the synchronization signal and a goal value" is vague and indefinite as to what disclosed structure it refers.

Prior Art

10. Further consideration of the claimed invention with respect to the prior art will be given upon clarification of the claimed invention.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is 703-308-1404. The examiner can normally be reached during normal business hours on Monday, Tuesday, Thursday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148. The fax numbers for Technology Center 3700 are: after-final responses - 703-872-9303; other formal/official papers – (703)872-9306. The fax number for informal/draft papers - 703-305-9835.



Clark F. Dexter
Primary Examiner
Group Art Unit 3724

cfd
January 12, 2004